

AMENDED IN ASSEMBLY MAY 10, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2263

Introduced by Assembly Member Correa

February 24, 2000

An act to amend Section 21702 of, and to add Section 21713.5 to, the Business and Professions Code, relating to self-service storage facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as amended, Correa. Self-service storage facilities.

The California Self-Service Storage Facility Act defines self-service storage facilities, regulates rental agreements for these facilities, and authorizes the imposition of liens on personal property located at a self-service storage facility for the payment of rent, charges, and other costs.

This bill would authorize the owner of a self-storage facility to assess occupants a late payment fee for delinquent rental fee payments, as specified, and would specify that liens imposed pursuant to this act include the costs of enforcing the lien.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 21702 of the Business and Professions Code is amended to read:

21702. The owner of a self-service storage facility and his or her heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, incurred pursuant to the rental agreement; for all fees, costs, and other expenses of enforcing the lien, and for all other expenses necessary for the preservation, sale, or disposition of personal property subject to the provisions of this chapter. The lien may be enforced consistent with the provisions in this chapter.

SEC. 2. Section 21713.5 is added to the Business and Professions Code, to read:

21713.5. (a) The owner of a self-service storage facility may assess a reasonable late payment fee each time an occupant does not pay the entire amount of the rental fee specified in the rental agreement, subject to the following requirements:

(1) No late payment fee shall be assessed until 10 days after the date specified in the rental agreement for payment of the rental fee.

(2) The amount of the late payment fee shall be specified in the occupant's rental agreement.

(3) Only one late payment fee shall be assessed for each rental fee payment that is not paid on the date specified in the rental agreement.

(b) For purposes of this section, a "reasonable late payment fee" is one that does not exceed ~~twenty dollars (\$20) or 15 percent of the monthly rental fee, whichever is greater. An owner may impose a late payment fee greater than this amount only if the owner demonstrates that the late payment fee is reasonable under the circumstances.~~ the following:

(1) Ten dollars (\$10), if the rental agreement provides for monthly rent of fifty dollars (\$50) or less.

1 (2) *Fifteen dollars (\$15), if the rental agreement*
2 *provides for monthly rent greater than fifty dollars (\$50),*
3 *but less than one hundred dollars (\$100).*

4 (3) *Twenty dollars (\$20) or 15 percent of the monthly*
5 *rental fee, whichever is greater, if the rental agreement*
6 *provides for monthly rent of one hundred dollars (\$100)*
7 *or more.*

8 *An owner may impose a late payment fee greater than*
9 *the foregoing amounts if the late payment fee is*
10 *permissible under all other applicable provisions of law.*

